

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 14-1920RE
)	
)	
HARRY A. WATTERS, JR)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

On or about January 28, 2015, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Harry A. Watters, Jr.*, No. 14-1920RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Harry A. Watters, Jr's real estate broker license (license no. 1999139025) and broker salesperson license (license no. 1999029620) are subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2(2), (10), (16), (18), (19), and (25) RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on June 3, 2015, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

against Respondent's licenses. All of the members of the Commission were present throughout the meeting. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Nichole Bock. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Harry A. Watters, Jr.*, Case No. 14-1920RE, issued January 28, 2015, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission

4. This Commission licensed Respondent Harry A. Watters, Jr. as a real estate broker, license number 1999139025 and broker salesperson, license number 1999029620.

Respondent's broker license was current at all times relevant to this proceeding. Respondent's broker salesperson license was not current at all times relevant to this proceeding. On June 30, 2000 Respondent's broker salesperson license expired due to failure to renew.

II.

CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the properly pled complaint and Default Decision issued by the Administrative Hearing Commission dated January 28, 2015, in *Missouri Real Estate Commission v. Harry A. Watters, Jr.*, Case No. 14-1920RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated January 28, 2015, Respondent's real estate broker license, number 1999139025 and broker salesperson license number 1999029620, are subject to disciplinary action by the Commission pursuant to § 339.100.2(2), (10), (16), (18), (19), and (25) RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

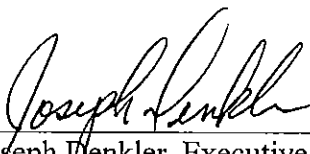
Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate broker and broker salesperson licenses of Harry A. Watters, Jr.

(license nos. 1999139025 and 1999029620) are hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission along with a Closing of a Real Estate Brokerage/Sole-Proprietorship form.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 8th DAY OF June, 2015.

MISSOURI REAL ESTATE COMMISSION



Joseph Denkler, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION,)

Petitioner,)

vs.)

No. 14-1920 RE

HARRY A. WATTERS, JR.,)

Respondent.)

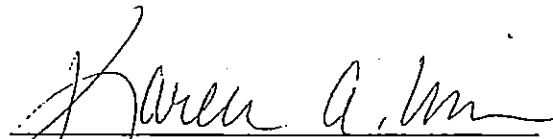
DEFAULT DECISION

On December 10, 2014, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on December 13, 2014.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on January 28, 2015.


KAREN A. WINN
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

MISSOURI REAL ESTATE
COMMISSION
3605 Missouri Blvd.
P.O. Box 1339
Jefferson City, MO 65102-1339,
Telephone: (573)751-2628

Petitioner,

v.

HARRY A. WATTERS, JR.
3880 Circle Drive
Robertsville, MO 63072
Telephone: (636)732-3280

Respondent.

FILED

DEC 10 2014

ADMINISTRATIVE HEARING
COMMISSION

Case No.

14-1920 RE

COMPLAINT

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through its counsel, the Attorney General of the State of Missouri, states the following for its cause of action against Respondent, Harry A. Watters, Jr. ("Watters"):

1. The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120, RSMo (Supp. 2013), for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.205 and §§ 339.710 to 339.855, RSMo (as amended), relating to real estate salespersons and brokers.

2. Watters holds a Missouri real estate broker license, no. 1999139025, and a broker salesperson license, no. 1999029620. Watters' broker salesperson license, no. 1999029620, expired on June 30, 2000. Watters' broker license, no. 1999139025, was originally issued by the MREC on September 15, 1999. Watters' broker license, no. 1999139025, has expired and has been placed on inactive status on multiple occasions since it was issued. It was also suspended from October 30, 2010 to February 25, 2014, by operation of law, due to Watters' failure to file or pay Missouri taxes. However, Watters' broker license, no. 1999139025, is now current and active, and has been current and active since it was reinstated on February 25, 2014.

3. On or about December 11, 1998, Watters was found guilty in the Circuit Court of Franklin County, Missouri, case no. 20CR0397022, of two counts of the class C felony of assault in the second degree – operating a vehicle while intoxicated resulting in injury under § 565.060, RSMo.

4. Section 565.060, RSMo (1994), regarding the offense of assault in the second degree, states in pertinent part:

1. A person commits the crime of assault in the second degree if he:

...

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating,

acts with criminal negligence to cause physical injury to any other person than himself; or

...

3. Assault in the second degree is a class C felony.

5. Watters was also found guilty in case no. 20CR0397022 of the class A misdemeanor of driving while his license was revoked under § 302.321, RSMo (Supp. 1995), which states:

1. A person commits the crime of driving while revoked if he operates a motor vehicle on a highway when his license or driving privilege has been canceled, suspended or revoked under the laws of this state and acts with criminal negligence with respect to knowledge of the fact that his driving privilege has been canceled, suspended or revoked.

2. Driving while revoked is a class A misdemeanor. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service.

6. Watters was also found guilty in case no. 20CR0397022 of the class A misdemeanor of failing to drive on the right half of the roadway under § 304.015, RSMo, (Supp. 1997), which states:

...

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway

...

7. Violation of this section shall be deemed an infraction unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class C misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.

7. The court sentenced Watters to five years of incarceration for each of the assault charges, and one year of incarceration for each of the other charges, in case no. 20CR0397022, all sentences to be served concurrently. Watters was released from incarceration after serving approximately fifteen days, and was placed on probation for five years.

8. On or about February 24, 1999, Watters pled guilty in the Circuit Court of Franklin County, Missouri, case no. 20R039701204, to the class A misdemeanor of driving while intoxicated ("DWI") under § 577.010, RSMo and § 577.023, RSMo.

9. Section 577.010, RSMo (1994), regarding the criminal offense of driving while intoxicated, states:

1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.

10. Section 577.023, RSMo (1994), regarding enhanced penalties for persistent and prior offenders, states in pertinent part:

1. For purposes of this section, unless the context clearly indicates otherwise:

...

(3) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

11. Watters was charged as a prior offender in case no.

20R039701204 because he had previously plead guilty to or been convicted of a DWI on or about March 31, 1993.

12. The court sentenced Watters to one year of incarceration in case no. 20R039701204, but suspended execution of the sentence and placed Watters on supervised probation for two years.

13. On or about December 15, 2005, Watters pled guilty in the

Circuit Court of Franklin County, Missouri, case no. 05E5-CR00458, to two counts of the class A misdemeanor of domestic assault in the third degree under § 565.074, RSMo.

14. Section 565.074, RSMo (2000), regarding domestic assault in the third degree states:

1. A person commits the crime of domestic assault in the third degree if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo, and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or

limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

...

15. The court sentenced Watters to one year of incarceration for each count in case no. 0535-CR00458. However, the court suspended execution of the sentences, except for thirty days of incarceration for each count, to be served concurrently. The court also placed Watters on one year of probation for each count, to be served concurrently.

16. On or about October 8, 2010, Watters pled guilty in the Circuit Court of Franklin County, Missouri, case no. 09AB-CR02131, to the class C felony of driving while intoxicated – aggravated offender under § 577.010, RSMo and § 577.023, RSMo.

17. Section 577.010(1), RSMo (2000), regarding the criminal offense of driving while intoxicated, states in relevant part:

1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

18. Section 577.023, RSMo (Supp. 2008), regarding aggravated, chronic, persistent and prior offenders, states in pertinent part:

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

...

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

19. Watters also pled guilty in case no. 09AB-CR02131 to the class A misdemeanor of operating of motor vehicle on a highway while his license or driving privilege was revoked under § 302.321, RSMo.

20. Section 302.321, RSMo (Supp. 2008) states:

1. A person commits the crime of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled, suspended, or revoked under the laws of this state or any other state and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended, or revoked.

2. Any person convicted of driving while revoked is guilty of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted a third or subsequent time of driving while revoked or a county or municipal ordinance of driving while suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense and where the person received and served a sentence of ten days or more on such previous offenses is guilty of a class D felony. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until such person has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. Driving while revoked is a class D felony on the second or subsequent conviction pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense.

21. The court sentenced Watters to five years of incarceration for the

DWI offense in case no. 09AB-CR02131, but suspended execution of the sentence and placed Watters on supervised probation for five years. The court also ordered Watters to serve 120 days of shock time in the county jail.

22. The court sentenced Watters to 120 days of incarceration for the driving while revoked offense in case no. 09AB-CR02131, but ordered that sentence to be served concurrently with the shock time for the DWI offense.

23. On October 8, 2010, Watters pled guilty in the Circuit Court of Franklin County, case no. 09AB-CR02752-01, to the class C felony of burglary in the second degree under § 569.170, RSMo.

24. Section 569.170, RSMo (2000) states:

1. A person commits the crime of burglary in the second degree when he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein.

2. Burglary in the second degree is a class C felony.

25. Watters also pled guilty in case no. 09AB-CR02752-01 to the class A misdemeanor of stealing less than \$500.00 under § 570.030, RSMo.

26. Section 570.030, RSMo (Supp. 2009) states in pertinent part:

1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

3. Notwithstanding any other provision of law, any offense in which the value of property or services is an element is a class C felony if:

(1) The value of the property or services appropriated is five hundred dollars or more but less than twenty-five thousand dollars; or

...

7. Any offense in which the value of property or services is an element is a class B felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

8. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

27. The court sentenced Watters to five years of incarceration for the burglary offense in case no. 09AB-CR02752-01, but suspended execution of the sentence and placed him on supervised probation for five years. The court also ordered Watters to serve 120 days of shock time in the county jail. The court ordered the shock incarceration for the burglary offense to be served consecutive to the shock incarceration for the DWI offense in case no. 09AB-CR02131.

28. The court sentenced Watters to thirty days of incarceration for the stealing offense in case no. 09AB-CR02752-01, to be served concurrently with the shock time for the burglary offense.

29. On January 26, 2012, Watters pled guilty in the Circuit Court of

Franklin County, Missouri, case no. 11AB-CR02105, to the class B misdemeanor of property damage in the second degree under § 569.120, RSMo.

30. Section 569.120, RSMo (2000) states:

1. A person commits the crime of property damage in the second degree if:

(1) He knowingly damages property of another; or

(2) He damages property for the purpose of defrauding an insurer.

2. Property damage in the second degree is a class B misdemeanor.

31. The court sentenced Watters to fifteen days of incarceration in case no. 11AB-CR02105, but suspended execution of the sentence and placed him on probation for two years, to be served concurrently with his probation in case no. 09AB-CR02131.

32. On or about April 11, 2006, Watters completed and signed an Application for License/Information Change to reactivate his broker license, which had previously been placed on inactive status on or about October 24, 2005.

33. On or about September 6, 2006, Watters completed and signed an Application for License/Information Change to change his broker license to broker salesperson license.

34. On or about January 8, 2007, Watters completed and signed an Application for License/Information Change to change his broker salesperson license back to a broker license.

35. Each Application for License/Information Change that Watters completed contained the following question regarding his criminal history:

Have you been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution of this state, or any other state, or of the United States whether or not sentence was imposed? NOTE This includes Suspended Imposition of Sentence, Suspended Execution of Sentence, Misdemeanor and Felony Convictions, and alcohol related offenses, ie DWI and BAC. Check yes if not previously disclosed to the Commission and provide the date of the conviction and/or pleading, nature of the offense, court location and case number.

36. Watters marked "no" in answer to the criminal history question on each Application for License/Information Change he completed on or about April 11, 2006, September 6, 2006, and January 8, 2007, and submitted to the MREC.

37. On or about September 13, 2006, Watters completed and signed an Application to Renew Broker License for the period of July 1, 2006 to June 30, 2008.

38. On or about April 23, 2009, Watters completed and signed an Application to Renew Broker License for the period of July 1, 2008 to June 30, 2010.

39. On or about June 30, 2010, Watters completed and signed an Application to Renew Broker License for the period of July 1, 2010 to June 30, 2012.

40. Each Application to Renew Broker License that Watters completed contained the following question regarding his criminal history:

Have you been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this or any other state or of the United States whether or not sentence was imposed including suspended imposition of sentence, suspended execution of sentence and misdemeanor charges that you have not previously disclosed to this Commission? If yes, provide the date, offense, court location and case number on the reverse side.

41. Watters marked "no" in answer to the criminal history question on each Application to Renew Broker License that he completed on or about September 13, 2006, April 23, 2009 and June 30, 2010, and submitted to the MREC.

42. Watters had not previously disclosed his guilty pleas for domestic assault in the third degree to the MREC.

43. Watters did not provide the date, offense, court location, or case number for his guilty pleas to domestic assault in the third degree on any of the applications that he submitted to the MREC between 2006 and 2014.

Watters only informed the MREC about his guilty pleas for domestic assault

in the third degree when he submitted his application to renew his license for the period from July 1, 2012 through June 30, 2014, which was received by the MREC on or about February 18, 2014.

44. The MREC issued a renewed license to Watters based on the information Watters provided in his applications, including his answer to the criminal history question.

45. Section 339.100.2, RSMo (Supp. 2013), authorizes the MREC to file a complaint with the Administrative Hearing Commission, and states in part:

The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

...

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

...

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

...

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

...

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision[.]

46. Section 339.040.1, RSMo (Supp. 2013), relating to requirements for real estate licensees, provides:

1. Licenses shall be granted only to persons who present . . . satisfactory proof to the commission that they:

(1) Are persons of good moral character; and

(2) Bear a good reputation for honesty, integrity, and fair dealing; and

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

47. By falsely answering "no" to the criminal history questions on multiple applications filed with the MREC, Watters made substantial misrepresentations, and/or suppressed, concealed and omitted a material fact in the conduct of his business, providing cause to discipline Watters' licenses pursuant to § 339.100.2(2), RSMo (Supp. 2013).

48. By falsely answering "no" to the criminal history questions, Watters obtained a license for himself by false and fraudulent representation, fraud, and/or deceit, providing cause to discipline Watters' licenses pursuant to § 339.100.2(10), RSMo (Supp. 2013).

49. By falsely answering "no" to the criminal history questions, Watters made a material misstatement, misrepresentation, and/or omission with regard to an application for licensure or license renewal, providing cause to discipline Watters' licenses pursuant to § 339.100.2(25), RSMo (Supp. 2013).

50. By falsely answering "no" to the criminal history questions on applications he submitted to the MREC, Watters demonstrated that he is not

a person of good moral character, which is a ground for the MREC to refuse to issue a license under § 339.040.1(1), RSMo (Supp. 2013), and provides cause to discipline Watters' licenses pursuant to § 339.100.2(16), RSMo (Supp. 2013).

51. By falsely answering "no" to the criminal history questions, Watters demonstrated that he does not bear a good reputation for honesty, integrity, and fair dealing, which is a ground for the MREC to refuse to issue a license under § 339.040.1(2), RSMo (Supp. 2013), and provides cause to discipline Watters' licenses pursuant to § 339.100.2(16), RSMo (Supp. 2013).

52. By falsely answering "no" to the criminal history questions, Watters demonstrated that he is not competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public, which is a ground for the MREC to refuse to issue a license under § 339.040.1(3), RSMo (Supp. 2013), and provides cause to discipline Watters' licenses pursuant to § 339.100.2(16), RSMo (Supp. 2013).

53. By falsely answering "no" to the criminal history questions, Watters engaged in conduct that demonstrates bad faith and gross incompetence, providing cause to discipline Watters' licenses pursuant to § 339.100.2(19), RSMo (Supp. 2013).

54. By pleading guilty to and/or being found guilty of the criminal offenses described above, and engaging in the conduct underlying those

offenses, Watters demonstrated that he lacks good moral character, which is a ground for the MREC to refuse to issue a license under § 339.040.1(1), RSMo, and provides cause to discipline Watters' licenses pursuant to § 339.100.2(16), RSMo (Supp. 2013).

55. By pleading guilty to and/or being found guilty of the criminal offenses described above, and engaging in the conduct underlying those offenses, Watters demonstrated that he does not bear a good reputation for honesty, integrity, and/or fair dealing, which is a ground for the MREC to refuse to issue a license under § 339.040.1(2), RSMo, and provides cause to discipline Watters' licenses pursuant to § 339.100.2(16), RSMo (Supp. 2013).

56. By pleading guilty to and/or being found guilty of the criminal offenses described above, and engaging in the conduct underlying those offenses, Watters demonstrated that he is not competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public, which is a ground for the MREC to refuse to issue a license under § 339.040.1(3), RSMo, and provides cause to discipline Watters' licenses pursuant to § 339.100.2(16), RSMo (Supp. 2013).

57. By pleading guilty to or being convicted of the criminal offenses described above, Watters pled guilty to or was convicted of offenses reasonably related to the qualifications, functions or duties of a real estate broker and broker salesperson, offenses an essential element of which is

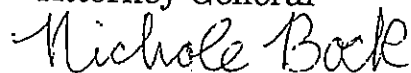
fraud, dishonesty or an act of violence, and/or offenses involving moral turpitude, providing cause to discipline Watters' licenses pursuant to § 339.100.2(18), RSMo (Supp. 2013).

58. Cause exists to discipline Watters' real estate licenses pursuant to § 339.100.2(2), (10), (16), (18), and (19), and (25), RSMo (Supp. 2013).

WHEREFORE, Petitioner requests that the Administrative Hearing Commission conduct a hearing in this case pursuant to Chapter 621, RSMo., and thereafter issue its Findings of Fact and Conclusions of Law determining that Petitioner may take disciplinary action against Watters' licenses as a real estate broker and broker salesperson for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER
Attorney General



Nichole Bock
Assistant Attorney General
Missouri Bar No. 64222

Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-4087
Telefax: 573-751-5660

Attorneys for Petitioner